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10/806,887	03/23/2004	Joi Mahon		2391

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EXAMINER

HOEY, ALISSA L

ART UNIT PAPER NUMBER

3765

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/806,887

Applicant(s)

MAHON ET AL.

Examiner

Alissa L. Hoey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 1 is objected to because of the following informalities: in line 12 should "forma" read "form"? Appropriate correction is required.
2. Claim 1 is objected to because of the following informalities: in line 8 should "portion" read "portions"? Appropriate correction is required.
3. Claim 7 is objected to because of the following informalities: in line 2 should "shaped" read "shape"? Appropriate correction is required.
4. Claim 14 is objected to because of the following informalities: in line 2, should "farmed" read "formed"? Appropriate correction is required.
5. Claim 19 is objected to because of the following informalities: in line 2 should "firsthand" read "first hand"? Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Forrest (US 2,144,875).

In regard to claim 1, Forrest teaches a garment (1) capable of being worn by children. A body blank (1) having a neck opening (2), a front portion (4), a rear portion (5) and a first and second sleeve blank (6). The body (1) having a peripheral edge

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portion and at least four side slits (3) extending toward the neck opening (2) from the peripheral edge portion (figure 3). The side slits (3) being positioned with respect to one another to define a pair of lateral edge portions (9) for each of the first and second sleeve blanks and a pair of lateral edge portions for each of the front and rear portions (9). First securement means (9) for selectively coupling the pair of lateral edge portions of the first and second sleeve blanks (6) to form first and second sleeves (figures 3 and 4). Second securement means (9) for selectively coupling the pairs of lateral edge portions of the front and rear portions to form a body portion of the garment (figures 3 and 4).

In regard to claim 2, Forrest teaches a front slit (8) that extends from the neck opening toward the peripheral edge portion in the front portion (figure 2).

In regard to claim 3, Forrest teaches a third securement means (8) for selectively securing the front slit in a closed position (figure 2).

In regard to claim 4, Forrest teaches the front slit (8) extending from the neck opening (2) to the peripheral edge portion to form selectively coupled right and left sides of the front portion (figure 2).

In regard to claim 5, Forrest teaches each of the side slits (3) forms a lateral edge portion of one of the first and second sleeve blanks (6) and a lateral edge portion of one of the front and rear portions of the body panel (figures 3 and 4).

In regard to claim 6, Forrest teaches the peripheral edge portion of the body panel being generally curved (figure 3).

In regard to claim 7, Forrest teaches the curved peripheral edge portion defining a generally circular shape for the body blank (figure 3).

In regard to claim 8, Forrest teaches the side slits (3) forming a lateral edge portion of one of the first hand second sleeve blanks (6) and a lateral edge portion of one of the front and rear portions of the body panel (figures 3 and 4).

In regard to claim 9, Forrest teaches a front slit (8) that extends from the neck opening (2) toward the peripheral edge portion in the front portion.

In regard to claim 10, Forrest teaches a third securement means (8) for selectively securing the front slit in a closed position (figure 2).

In regard to claim 11, Forrest teaches a front slit (8) extending from the neck opening to the peripheral edge portion to form selectively separable right and left sides of the front portion (figure 2).

In regard to claim 12, Forrest teaches the body formed from a single panel of flexible material (page 1, lines 29-35).

8. Claims 1 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Porcello (US 3,187,344).

In regard to claim 1, Forrest teaches a garment (10) capable of being worn by children. A body blank (10) having a neck opening, a front portion, a rear portion and a first and second sleeve blank (figures 1). The body (10) having a peripheral edge portion and at least four side slits (D, A) extending toward the neck openings from the peripheral edge portion (figures 1). The side slits (D, A) being positioned with respect to one another to define a pair of lateral edge portion for each of the first and second

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sleeve blanks (14, 14') and a pair of lateral edge portions for each of the front and rear portions (15, 15', 16, 16'). First securement means for selectively coupling the pair of lateral edge portions of the first and second sleeve blanks to form first and second sleeves (column 3, lines 3-21). Second securement means for selectively coupling the pairs of lateral edge portions of the front and rear portions to form a body portion of the garment (figures 1-5).

In regard to claim 15, Forrest teaches a hood means (17, 17') operatively coupled to an edge portion of the neck opening for selective coverage of a wearer's head when the garment is worn (figures 1-5). The garment of Forrest is capable of being worn on a child.

***Claim Rejections - 35 USC § 103***

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 13-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forrest in view of Kester (US 5,421,834).

Forrest provides a garment as described above in claim 1. However, Forrest fails to teach mittens and hood being removably attached to the garment.

In regard to claim 13, Kester teaches first and second mitten means (58, 60) coupled to the first and second sleeves to cover the user's hands when the garment is

worn (figure 1, identifiers 62, 64). The garment of Kester is capable of being worn on a child.

In regard to claim 14, Kester teaches the first and second mitten means (58, 60) are capable of being formed from a single panel of flexible fabric.

In regard to claim 15, Kester teaches hood means (138) operatively coupled to an edge portion of the neck opening (40) for selective coverage of a user's head when the user wears the garment (figures 3 and 4).

In regard to claim 16, Kester teaches the hood means being selectively removable from the neck opening (figures 3 and 4).

In regard to claim 17, Kester teaches mitten means (58, 60) coupled to the first and second sleeves for selectively covering a user's hands when the garment is worn.

In regard to claim 18, Forrest teaches the body being formed from a single panel of flexible material (figure 3).

In regard to claim 19, Forrest teaches the side slit (3) forming a lateral edge portion of one of the first and second sleeve (6) and a lateral edge portion of one of the front and rear portions of the body panel (4, 5).

In regard to claim 20, Forrest teaches the curved peripheral edge portion defining a generally circular shape for the body (figure 3).

It would have been obvious to have provided the blank garment of Forrest with the selectively removable mittens and hood of Kester, since the blank garment of Forrest provided with selectively removable mittens and hood portions would allow for the user to protect themselves from the outdoor elements such as cold, wind and rain

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as desired and also allowing the mittens and hood portions to be removable when not needed reducing the weight of the garment.

***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Couper, Resser, Janzow, Burgdorfer, Senzer, McBee, Callahan, Ryan, Shiltong, Kramer, Heilbronner, Klein, Spector, Zarbos, Lunt, Yen, Buenos, Olson, Chou, Kuo, Moss, Fujiwara, Ferreras, Mathews and Reich are all cited to show closely related garment articles.

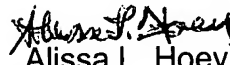
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alissa L. Hoey whose telephone number is (571) 272-4985. The examiner can normally be reached on M-F (8:00-5:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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